

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MORTIA WALKER, on behalf of her infant
children S.W. and K.W.,

Plaintiff,

-against-

CITY OF NEW YORK, POLICE OFFICER
PHILLIP PENA, POLICE OFFICER
PASQUALE DETHOMAS, SERGEANT
GIBSON, and JOHN DOE POLICE #1-2,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/15/2020

1:18-cv-04815 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

By Order dated October 15, 2018, the above-captioned § 1983 action was stayed pending the resolution of an investigation into the underlying incident by the Civilian Complaint Review Board (“CCRB”) Administrative Prosecution Unit (“APU”). [ECF #22] On February 6, 2020, the case was reassigned to me for all purposes. In an Order dated March 6, 2020, the Court directed Defendant City of New York to file a letter updating the Court on the status of the CCRB investigation and subsequent disciplinary proceedings. [ECF #34]

In its letter, dated March 11, 2020, the City informed the Court that although the trial has concluded, the disciplinary proceedings will not be concluded until the Police Commissioner issues a final decision. [ECF #35] The City further informed the Court that Plaintiff’s position is that the stay of this action should be lifted, notwithstanding the fact that the Commissioner has not yet rendered a decision, and that the City does not oppose lifting the stay. [*Id.* at 2] Counsel for the City also explained that he asked counsel for Defendant Gibson for his position on this question, but was informed that new counsel had taken over Gibson’s representation and that he should await a response from Gibson’s new counsel. [*Id.* at 2 & n.2] Finally, the City alerted the

Court to errors on the docket sheet related to the representation of the individual defendants. Specifically, the docket sheet erroneously lists counsel for the City as counsel for Defendants Pena, Dethomas, Gibson, and John Doe Police Officers #1-2.

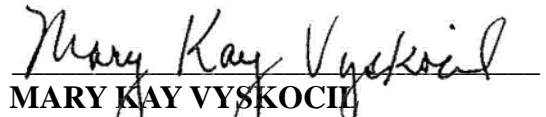
In light of the information set forth in the Status Report from Corporation Counsel, IT IS HEREBY ORDERED that the parties shall submit a joint status letter to the Court no later than May 8, 2020. In that letter, the parties shall address: (1) the status of the CCRB proceedings; (2) the status of Gibson's representation by counsel and of the representation of the other individual defendants named in the complaint, including the names and contact information for each counsel; and (3) each party's position on lifting the stay of this action.

IT IS FURTHER ORDERED that counsel for the individual defendants shall promptly enter a notice of appearance on the Court docket.

The Clerk of Court is respectfully directed to correct the docket sheet to reflect that the New York City Law Department, Office of Corporation Counsel, does not represent any of the individual defendants in this case.

SO ORDERED

Dated: April 15, 2020
New York, New York


MARY KAY VYSKOČIL
UNITED STATES DISTRICT JUDGE